

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *eg* D.C.
05 MAY 11 PM 3:36

DERRICK BROOKS,

Plaintiff,

v.

No. 04-3043 B

UNIFIRST CORPORATION, INC.,

Defendant.

ROBERT R. DEBOLIO
CLERK, U.S. DIST. CT.
W.D. OF TN. MEMPHIS

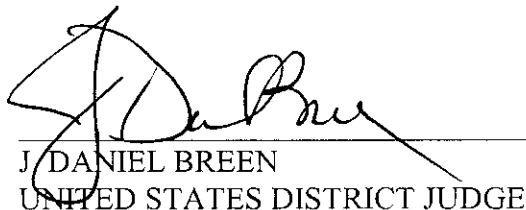
ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED

Plaintiff, Derrick Brooks, filed this Title VII and Tennessee Human Rights action on December 22, 2004. On the same day, a summons was issued as to the registered agent for the Defendant, Unifirst Corporation, Inc. To date, the Court has received no notification that service has been made on the Defendant. According to Rule 4(m) of the Federal Rules of Civil Procedure,

[i]f service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, . . . on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time . . .

Fed. R. Civ. P. 4(m). As the 120-day period has passed, the Plaintiff is hereby ORDERED to show cause, within eleven (11) days of the entry of this order, why this action should not be dismissed for failure to effect service on the Defendant. Failure to respond within the time period permitted herein will result in dismissal without prejudice of the complaint.

IT IS SO ORDERED this 11th day of May, 2005.


J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 5-13-05

(2)



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:04-CV-03043 was distributed by fax, mail, or direct printing on May 13, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT